

1 MARK J. CONNOT (10010)
2 JOHN M. ORR (14251)
3 **FOX ROTHSCHILD LLP**
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10 *Attorneys for Defendants Brian F. Davis*
11 *and Davis Law Group, P.A.*

7
8 UNITED STATES DISTRICT COURT
9
10 DISTRICT OF NEVADA

10
11 SEAN K. CLAGGETT & ASSOCIATES, LLC
12 D/B/A CLAGGETT & SYKES LAW FIRM, A
13 NEVADA LIMITED LIABILITY COMPANY;
14 SEAN K. CLAGGETT, AN INDIVIDUAL,

Case No. 2:21-cv-02237

**STATEMENT REGARDING
REMOVED ACTION**

15 Plaintiffs,
16 V.
17
18 DON C. KEENAN, AN INDIVIDUAL; D.C.,
19 KEENAN & ASSOCIATES, P.A. D/B/A
20 KEENAN LAW FIRM, A GEORGIA
21 PROFESSIONAL ASSOCIATION; KEENAN'S
22 KIDS FOUNDATION, INC., D/B/A KEENAN
23 TRIAL INSTITUTE AND/OR THE KEENAN
24 EDGE, A GEORGIA NON-PROFIT
25 CORPORATION; BRIAN F. DAVIS, AN
26 INDIVIDUAL; DAVIS LAW GROUP, P.A., A
27 NORTH CAROLINA PROFESSIONAL
28 ASSOCIATION; DAVID J. HOEY, AN
INDIVIDUAL; TRAVIS E. SHETLER, AN
INDIVIDUAL; WILLIAM ENTREKIN, AN
INDIVIDUAL; DOES I-X; AND ROE
BUSINESS ENTITIES XI-XX, INCLUSIVE,

Defendants.

1 Defendants Brian F. Davis (“Mr. Davis”) and Davis Law Group, P.A. (“Davis Law Group”
 2 collectively referred to with Mr. Davis as “Davis Defendants”), by and through their counsel of
 3 record, Mark J. Connot and John M. Orr of the law firm Fox Rothschild LLP, hereby files the
 4 instant Statement Regarding Removed Action in response to this Court’s minute order dated
 5 December 22, 2021 (ECF No. 4).

6

7 **1. The date on which you were served with a copy of the complaint.**

8 Defendants Brian F. Davis and Davis Law Group, P.A. were served with a copy of the
 9 complaint on December 1, 2021.

10

11 **2. The date on which you were served with a copy of the summons.**

12 Defendants Brian F. Davis and Davis Law Group, P.A. were served with a copy of the
 13 summons on December 1, 2021.

14

15 **3. In removals based on diversity jurisdiction, the names of any served defendants
 16 who are citizens of Nevada, the citizenship of the other parties, and a summary
 17 of defendant’s evidence of the amount in controversy.**

18 Defendant Travis E. Shetler is a citizen of Clark County, Nevada.¹ Defendant Don Keenan
 19 (“Mr. Keenan”) is a resident of Walton County, Florida. Compl. ¶ 4. Defendant D.C. Keenan &
 20 Associates P.A. dba Keenan Law Firm is a professional association organized under the laws of
 21 Georgia. *Id.* ¶ 5. Defendant Keenan’s Kids Foundation, Inc. dba Keenan Trial Institute is a non-
 22 profit corporation organized and existing under the laws of the State of Georgia. *Id.* Defendant
 23 David J. Hoey is a resident of Middlesex, Massachusetts. *Id.* ¶ 9. Defendant William Entrekin is a
 24 resident of Lumpkin County, Georgia. *Id.* ¶ 11. Plaintiff Sean Claggett is a resident of Clark County,
 25 Nevada. *Id.* ¶ 3. Plaintiff Sean K. Claggett & Associates LLC dba Claggett & Sykes Law Firm
 26 (“Claggett & Sykes”) is a limited liability company existing under the laws of Nevada. *Id.* ¶ 2.

27 Plaintiffs have asserted claims against the Davis Defendants for intentional interference

28 ¹ Defendants Petition for Removal (ECF No. 1) maintains that Plaintiffs fraudulently joined Mr. Shetler and that his citizenship should be disregarded for purposes of diversity jurisdiction.

1 with contractual relations and civil conspiracy. The thrust of Plaintiffs' claim against the Davis
2 Defendants is that they conspired with other defendants in this action to have Claggett & Sykes
3 fired as counsel for Logan Erne, the plaintiff in a medical malpractice lawsuit filed in the Clark
4 County, Nevada Eighth Judicial Court on April 25, 2018, styled *Logan Erne v. Margaret Williams*
5 *LCPC et al*, Case. No. A-18-773499-C (the "Erne Matter"). Plaintiffs claimed damages include,
6 but may not be limited to, the reputational harm to Mr. Claggett and Claggett & Sykes and the
7 contingent fees and costs that could be potentially recovered by the Plaintiffs in the Erne Matter.
8 Plaintiffs filed a Notice of Attorney's lien in the Erne Matter, asserting a lien for \$288,512.06,
9 which includes \$158,264.46 in alleged costs. Notice of Attorney's Lien, attached hereto as **Exhibit**
10 **"A."**

11
12 4. **If your notice of removal was filed more than 30 days after you first received a**
13 **copy of the summons and complaint, the reason the removal has taken place at**
14 **this time and the date you first received a paper identifying the basis for**
15 **removal.**

16 Not applicable

17 5. **In actions removed on the basis of the court's jurisdiction in which the state**
18 **court action was commenced more than one year before the date of removal,**
19 **the reasons the action should not summarily be remanded to the state court.**

20 Not applicable

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1 6. **The name of any defendant known to have been served before you filed the**
2 **notice of removal who did not formally join in the notice of removal and the**
3 **reasons they did not.**

4 Not applicable.

5 Dated this 6th of January 2022.

6 **FOX ROTHSCHILD LLP**

7 */s/ Mark J. Connot* _____

8 MARK J. CONNOT (10010)

9 JOHN M. ORR (14251)

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17 *and Davis Law Group, P.A.*

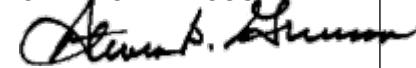
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Fox Rothschild LLP, and that on the 6th day of January 2022, and pursuant to FRCP 5(b), a copy of the foregoing **STATEMENT REGARDING REMOVED ACTION** was served via the Court's electronic filing system to the parties listed below:

Jared B. Anderson, Esq.
David J. Churchill, Esq.
Injury Lawyers of Nevada
4001 Meadows Lane
Las Vegas, Nevada 89107
Tel: 702-868-8888
jared@injurylawyersnv.com
david@injurylawyersnv.com
Attorneys for Plaintiffs

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

EXHIBIT A

1 **LIEN**

2 Sean K. Claggett, Esq.
3 Nevada Bar No. 008407
4 Jennifer Morales, Esq.
5 Nevada Bar No. 008829
6 CLAGGETT & SYKES LAW FIRM
7 4101 Meadows Lane, Suite 100
8 Las Vegas, Nevada 89107
9 (702) 655-2346 – Telephone
10 (702) 655-3763 – Facsimile
11 sclaggett@claggettlaw.com
12 jmorales@claggettlaw.com

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 LOGAN ERNE, an Individual,

12 Plaintiff,

13 CASE NO.: A-18-773499-C

14 v.

15 DEPT NO.: III

16 MARGARET WILLIAMS, LPCC an Individual;
17 MARILYN S. ABEL, CPC, an Individual;
18 ANTHONY QUINN, M.D., an Individual,
19 BRANDON PAYZANT, PAC, PHC OF
20 NEVADA, INC. DBA HARMONY
21 HEALTHCARE, a foreign corporation; and
22 SUMMERLIN HOSPITAL & MEDICAL
23 CENTER LLC, a limited liability company.;
24 DOES I through X; ROE BUSINESS ENTITIES
25 XI through XX, inclusive,

26 Defendants.

27 **NOTICE OF ATTORNEY'S LIEN**

28 NOTICE IS HEREBY GIVEN that CLAGGETT & SYKES LAW FIRM claims a lien for
its services upon the claims for relief on behalf of LOGAN ERNE, and any successor and/or
predecessor plaintiff in the above-referenced litigation, against any person, entity or insurance
company legally liable for damages as a result of the incident occurring on April 26, 2017, that is
now the subject of this lawsuit.

Claggett & Sykes Law Firm claims a lien and upon any and all property or gross amounts
recovered (the recovery) that may become available on behalf of LOGAN ERNE and any
successor and/or predecessor plaintiff in the above-referenced litigation:

Jennifer Morales, Esq.	97.20 hours/\$72,900.00
Shannon L. Wise, Esq.	69.70 hours/\$27,880.00
Samuel Harding, Esq.	23.05 hours/\$17,287.50
Moises Garcia	32.50 hours/\$4,875.00
Jocelyn Abrego	48.70 hours/\$7,305.00
Total:	271.15 hours/\$130,247.50

Claggett & Sykes Law Firm asserts a lien for attorney fees in the amount of **\$130,247.50**.

Claggett & Sykes Law Firm also asserts a lien against LOGAN ERNE for all reasonable case costs advanced and incurred on behalf of the plaintiff in the amount of **\$158,264.56**

Accordingly, Claggett & Sykes Law Firm asserts a total lien in this matter of **\$288,512.06** for attorney fees and costs.

DATED this 16th day of February 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Sean K. Claggett

Sean K. Claggett, Esq.
Nevada Bar No. 008407
Jennifer Morales, Esq.
Nevada Bar No. 008829
4101 Meadows Lane, Suite 100
Las Vegas, Nevada 89107
(702) 655-2346 – Telephone

CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Suite 100
Las Vegas, Nevada 89107
702-655-22346 • Fax 702-655-3763

1
CERTIFICATE OF SERVICE

2
 I HEREBY CERTIFY THAT on the 16th day of February 2021, I caused to be served a true
 3 and correct copy of the **NOTICE OF ATTORNEY'S LIEN** in the above-captioned case via the
 4 following methods pursuant to Rule 9 of the N.E.F.C.R. and N.R.C.P. 5:

5

<p>6 Robert C. McBride, Esq. Gerald Tan, Esq. 7 CARROLL KELLY TROTTER FRANZEN MCBRIDE & PEABODY 8 8329 W. Sunset Road, Suite 260 Las Vegas, NV 89113 9 <i>Attorneys for Defendant Anthony Quinn, M.D.</i></p>	<p>Travis E. Shetler, Esq. 10 LAW OFFICES OF TRAVIS E. SHETLER 3202 W. Charleston Blvd Las Vegas, NV 8902 11 <i>Attorneys for Plaintiff</i></p>
<p>10 S. Brent Vogel, Esq. 11 LEWIS BRISBOIS BISGAARD & SMITH, LLP 12 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 13 <i>Attorneys for Defendants Margaret Williams, LCPC, Marilyn S. Abel, CPC, Brandon Payzant, PAC and PHC of Nevada, Inc., dba Harmony Healthcare.</i></p>	<p>14 Brian F. Davis, Esq. 15 DAVIS LAW GROUP, PA 135 Cherry Street, N Asheville, NC 28801 16 <i>Attorneys for Plaintiff</i></p>
<p>17 Michael J. Shannon, Esq. 18 Brittany A. Lewis, Esq. 19 HALL PRANGLE & SCHOONVELD, LLC. 1140 North Town Center Drive, Ste. 350 Las Vegas, Nevada 89144 20 <i>Attorneys for Defendant, Summerlin Hospital Medical Center, LLC</i></p>	<p>21 VIA Regular and Certified Mail 22 Logan Erne 51 Wilmington Street, Asheville, North Carolina 28806 <i>Plaintiff</i></p>
<p>23 Candance C. Herling, Esq. 24 MESSNER REEVES, LLP 25 8945 W. Russell Road #300 Las Vegas, NV 89148 26 <i>Attorneys for Defendant, Summerlin Hospital Medical Center, LLC</i></p>	

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